

REMARKS

I. Introduction

Claims 20, 21, 25, 26, and 28 have been canceled herein without prejudice. Claims 37 to 41 have been added. Claims 13 to 19, 22 to 24, 27, and 29 to 41 are currently pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

II. Rejection of Claims 13 to 16, 20, 22 to 28, 31 to 33, and 35 Under 35 U.S.C. § 102(b)

Claims 13 to 16, 20, 22 to 28, 31 to 33, and 35 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,175,211 ("Brotto"). Applicants respectfully submit that Brotto does not anticipate the present claims for the following reasons.

Claims 20, 25, 26, and 28 were canceled without prejudice, thereby rendering moot the present rejection with respect to claims 20, 25, 26, and 28.

Claim 13 relates to a set that includes an arrangement **outside of a battery charger** configured to automatically determine at least one electrical parameter of a charge **upon connection of the unit to the battery charger**. In contrast, Brotto discusses a battery identification device 17 situated in battery 10 configured to provide identification information to controller 21 situated in charger control circuit 20. Battery identification device 17 provides to controller 21 a signal. Controller 21 receives the signal, interprets the signal, and, based on the signal, modifies charging parameters. Thus, **controller 21 situated in charger control circuit 20** determines the charging parameters. Column 2, line 57 to column 3, line 6. At most, identification device 17 can be said to aid controller 21 in the parameter determination.

In the alternative, Brotto discusses a smart battery, where the battery 10 includes a controller 30 to control a charging process. However, controller 30 does not control the charging process upon connection of battery 10 to charger control circuit 20. Rather, controller 30 obtains charging control **after controller 21 relinquishes control to controller 30**. Col. 4, lines 6 to 17. Furthermore, even according to this alternative, controller 30 operates in conjunction with controller 21,

which is situated in charger control circuit 20. Col. 4, lines 19 to 22. Thus, Brotto does not disclose, or even suggest, an arrangement outside of a battery charger that determines charging parameters upon connection of a battery unit to the battery charger. It is therefore respectfully submitted that Brotto does not anticipate claim 13.

Claim 22 relates to a connection element. Claim 22, as amended herein without prejudice, recites that the connection element is removable from the battery charger and from the unit. Support for the amendment to claim 22 may be found, for example, in the Specification at page 2, lines 21 to 25 and in Figure 1. In contrast, Brotto discusses battery contacts via which charger control circuit 20 interfaces with battery 10. These battery contacts are not removable from battery 10 and from charger control circuit 20.

Furthermore, claim 22 recites that a component of the connection element, which is removable from the battery charger and from the unit, is configured to determine parameters of a charge. In contrast, Brotto discusses a battery identification device 17 situated in battery 10 configured to provide identification information to controller 21, which is situated in charger control circuit 20. Brotto does not discuss a component or arrangement configured to determine parameters of a charge, where the component or arrangement is part of a connection element removable from a unit including a battery and from a battery charger.

It is therefore respectfully submitted that Brotto does not anticipate claim 22.

New claim 39 relates to a set that includes a connection element removable from the battery charger and from the unit, where an arrangement configured to automatically determine at least one electrical parameter of a charge is arranged in the connection element. It is therefore respectfully submitted that Brotto does not anticipate new claim 39 for the same reasons set forth above in support of the patentability of claim 22.

New claim 37 recites that an arrangement configured to automatically determine at least one electrical parameter of a charge is arranged in a connection element. In contrast, as discussed above, Brotto discusses elements in battery unit 10 and in charger control circuit 20 that are configured to determine parameters of a

charge. It is therefore respectfully submitted that Brotto does not anticipate new claim 37.

Claims 23 and 24 ultimately depend from claim 22 and therefore include all of the limitations of claim 22. It is therefore respectfully submitted that Brotto does not anticipate claims 23 and 24 for at least the same reasons given above in support of the patentability of claim 22.

Claims 14 to 16, 27, 31, 33, and 35 now ultimately depend from claim 39 and therefore include all of the limitations of claim 39. It is therefore respectfully submitted that Brotto does not anticipate claims 14 to 16, 27, 31, 33, and 35 for at least the same reasons given above in support of the patentability of claim 39.

Claim 32, as herein amended without prejudice, ultimately depends from claim 37 and therefore includes all of the limitations of claim 37. It is therefore respectfully submitted that Brotto does not anticipate claim 32 for at least the same reasons given above in support of the patentability of claim 37.

III. Rejection of Claims 17 to 19, 21, 29, 30, 34, and 36 Under 35 U.S.C. § 103(a)

Claims 17 to 19, 21, 29, 30, 34, and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Brotto and U.S. Patent No. 5,847,541 ("Hahn"). It is respectfully submitted that the combination of Brotto and Hahn does not render unpatentable any of claims 17 to 19, 21, 29, 30, 34, and 36 for the following reasons.

Claim 21 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claim 21.

Claims 17 and 18, as herein amended without prejudice, and claim 29 depend from claim 13 and therefore include all of the limitations of claim 13. Claims 19, 30, and 34 depend from claim 39 and therefore include all of the limitations of claim 39. Claim 36 depends from claim 22 and therefore includes all of the limitations of claim 22. As set forth above, Brotto does not disclose, or even suggest, all of the limitations of claims 13, 22, and 39. Hahn is not relied upon for disclosing or suggesting the limitations of claims 13, 22, and 39 not disclosed or suggested by Brotto. Indeed, it is respectfully submitted that Hahn does not disclose or suggest the limitations of claims 13, 22, and 39 not disclosed or suggested by Brotto. Accordingly, it is respectfully submitted that the combination of Brotto and

Hahn does not render unpatentable any of claims 17 to 19, 29, 30, 34, and 36. In re Fine, 837 F.2d 1071 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

IV. New Claims 37 to 41

New claims 37 to 41 have been added herein. It is respectfully submitted that new claims 37 to 41 do not add any new matter and are fully supported by the present application, including the Specification. As discussed above, claims 37 and 39 are patentable over the references relied upon. Since claim 38 depends from claim 37, and since claims 40 and 41 depend from claim 13, it is respectfully submitted that these dependent claims are patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claims 13 and 37.

V. Conclusion

In light of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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